

RAILROAD SAFETY ADVISORY COMMITTEE CHARTER

1. **COMMITTEE'S OFFICAL DESIGNATION:** The Committee's official designation is the Railroad Safety Advisory Committee (RSAC).

2. **AUTHORITY**

a. The Committee is renewed under the authority of the U.S. Department of Transportation (DOT), established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

b. The formation and use of RSAC are determined to be in the public interest in connection with the performance of duties imposed on the Secretary, and delegated to the Federal Railroad Administration (FRA) Administrator, by the Federal railroad safety statutes (49 U.S.C. §§ 20101–21311). *See* Memorandum of the President titled, "Regulatory Reinvention Initiative" (March 4, 1995), and Sec 6(a) of Executive Order 12866 (Sept. 30, 1993).

3. **OBJECTIVE AND SCOPE OF ACTIVITIES:**

a. The Federal Railroad Administrator, or his or her designee, shall present RSAC with tasks on matters relating to railroad safety, including security. The Committee shall act solely in an advisory capacity. Through FRA, RSAC will make recommendations to the Secretary regarding rail safety.

b. As all interested segments of the railroad industry and the public will be represented on the Committee, all of the FRA-affected entities and the public will have a more direct role in shaping FRA's regulatory program. The Committee will allow management, labor, FRA, the Transportation Security Administration, and other interested parties to cooperatively address safety and security problems by identifying the best solutions based on agreed-upon facts, and where regulation appears necessary, identify regulatory options to implement these solutions.

4. **DESCRIPTION OF DUTIES:** The Committee will address tasks from the FRA Administrator on critical safety issues and will provide advice for regulatory development through the collaborative rulemaking process. The collaborative rulemaking process is an effective approach to the FRA's rulemaking agenda that fully involves our affected entities, makes the best use of resources, and accommodates the rapidly evolving changes in the rail transportation industry. By harnessing the combined wisdom, resources, and experience of railroad industry experts who have the greatest knowledge and interest in promoting rail safety, including security, FRA is able to leverage its resources to produce rules that are more responsive, flexible, and better accepted by those required to implement them.

5. **AGENCY OR OFFICAL TO WHOM THE COMMITTEE REPORTS:** This Committee reports and makes recommendations to the FRA Administrator. The Administrator is the sponsor of the Committee and accepts or rejects recommendations produced by the Committee.

6. **SUPPORT:** The FRA's Office of Railroad Safety will provide necessary funding, logistics, and administrative support for the Committee.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:**

It is estimated that the committee's operating costs during Fiscal Years 2012 and 2013 will be \$275,000 annually, plus salary and expenses for approximately two to three support staff directly involved with the committee. The FRA's Office of Railroad Safety and Office of Chief Counsel shall provide staff support as necessary for the Committee.

8. **DESIGNATED FEDERAL OFFICER:**

a. The FRA's Office of Railroad Safety shall appoint a full-time Federal employee to serve as the RSAC Coordinator and act as the Designated Federal Officer (DFO) for this advisory committee, and shall ensure that administrative support is provided for all activities.

b. The DFO, in consultation with the Chairperson, shall be responsible for:

- (1) Approving or calling meetings, with the approval of the sponsor, of the advisory committee;
- (2) Formulating and approving the agenda for each meeting, which will be approved in advance by the sponsor and published in the Federal Register, in accordance with the provisions in section c, below;
- (3) Notifying all members of the time, place, and agenda for any meeting;
- (4) Maintaining all committee files and records;
- (5) Attending all Committee and subcommittee meetings;
- (6) Adjourn any meetings when the DFO determines it is in the public interest to do so; and
- (7) Chair meetings when directed to do so by the Federal Railroad Administrator.

c. Timely notice of Committee meetings must be published in the Federal Register at least 15 calendar days before the meeting.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:**

a. The Committee will meet approximately four times a year.

b. Each meeting shall be open to the public. Persons wishing to appear before the Committee must make prior arrangements to do so. Written materials may be submitted to the Committee at any time. Each meeting will be held at a reasonable time; in a place reasonably accessible to the public; and in a room large enough to accommodate the committee members, staff, and interested members of the public. Meetings may be closed to the public only as authorized by Section 10(d) of the Federal Advisory Committee Act (Title 5 U.S.C. App. 2), as implemented by 41 CFR pt. 101-6, the Government in the Sunshine Act (5 U.S.C. § 552b(c)), 41 CFR part 102-3, and DOT Order 1120.3B.

10. **DURATION:** The RSAC is a continuing committee, subject to renewal every 2 years.

11. **TERMINATION:** This charter shall terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.

12. **MEMBERSHIP AND DESIGNATION:**

a. The Committee will be composed of approximately 63 representative members who will serve in a representative capacity from 37 member organizations representing various rail industry perspectives, 2 associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups.

b. Staff (regular Government employees) of the Transportation Security Administration, National Transportation Safety Board, and the Federal Transit Administration will also participate in an advisory capacity.

c. The seats on the Committee awarded to each member organization will be allocated to include a balanced representation of interests, including railroad management and labor.

d. The Committee will have sufficient diversity to ensure the requisite range of views and expertise necessary to discharge its responsibilities. The membership on the committee will be fairly balanced with points of view representative of the railroad community, including those of railroad owners, manufacturers, labor groups, State Government groups, and public associations.

e. The agencies with regulatory responsibility for railroad safety in Canada and Mexico will be extended associate memberships with no voting rights.

f. The members of the Committee will be designated by the Administrator from nominees received from the organizations listed in the attachment to this charter.

g. Members of the Committee who are not full-time employees of the U.S. Government

serve without compensation.

h. Members of the Committee who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses, in accordance with the U.S. Department of Transportation Civilian Travel Regulations.

13. SUBCOMMITTEES: The FRA shall be authorized to establish subcommittees. Subcommittees shall not work independently of the chartered RSAC and shall report all of their recommendations and advice to the full RSAC for deliberation and discussion. Subcommittees must not provide advice or work products directly to FRA or DOT.

14 RECORDKEEPING

a. The records of the committee, formally and informally established subcommittees, and other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved agency records disposition schedule.

b. Minutes must be kept of each committee meeting and include the following:

- (1) Time, date, and place of the meeting;
- (2) A list of all attendees at the meeting;
- (3) A summary of matters discussed and conclusions reached;
- (4) Copies of all reports received, issued, or approved by the committee;
- (5) A description of the extent to which the meeting was closed to the public, if authorized under 41 Code of Federal Regulations (CFR) § 101-6.1023; and
- (6) A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

c. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552) and the Department's regulations governing the protection of sensitive security information (49 CFR pt. 15). The records, reports, transcripts, minutes, and other documents that are made available to or prepared for or by the Committee are available for public inspection at www.regulations.gov under Docket No. FRA-2000-7257.

15. FILING DATE: This committee is effective May 17, 2012, which is the filing date of this renewed charter. The committee will remain in existence for 2 years after this date unless sooner terminated or renewed.

RAILROAD SAFETY ADVISORY COMMITTEE ORGANIZATIONAL MEMBERSHIP LISTING

American Association of Private Railroad Car Owners (AAPRCO) (1 seat)
American Association of State Highway and Transportation Officials (AASHTO) (1 seat)
American Chemistry Council (ACC) (1 seat)
American Petroleum Institute (API) (1 seat)
American Public Transportation Association (APTA) (4 seats)
American Short Line and Regional Railroad Association (ASLRRA) (3 seats)
American Train Dispatchers Association (ATDA) (1 seat)
Association of American Railroads (AAR) (12 seats)
Association of Railway Museums (ARM) (1 seat)
Association of State Rail Safety Managers (1 seat)
Brotherhood of Locomotive Engineers and Trainmen (BLET) (3 seats)
Brotherhood of Maintenance of Way Employees Division (BMWED) (2 seats)
Brotherhood of Railroad Signalmen (BRS) (2 seats)
Chlorine Institute (CI) (1 seat)
Institute of Makers of Explosives (IME) (1 seat)
International Association of Machinists and Aerospace Workers (IAM) (1 seat)
International Brotherhood of Electrical Workers (IBEW) (1 seat)
Labor Council for Latin American Advancement (LCLAA) (1 nonvoting seat)
League of Railway Industry Women (LRIW) (1 nonvoting seat)
National Association of Railroad Passengers (NARP) (1 seat)
National Association of Railway Business Women (NARBW) (1 nonvoting seat)
National Conference of Firemen & Oilers (1 seat)
National Railroad Construction and Maintenance Association (NRC) (1 seat)
National Railroad Passenger Corporation (Amtrak) (1 seat)
Railway Supply Institute (RSI) (1 seat)
Safe Travel America (1 seat)
Secretaria de Comunicaciones y Transportes (1 nonvoting seat)
Sheet Metal Workers International Association (SMWIA) (1 seat)
The Fertilizer Institute (TFI) (1 seat)
Tourist Railway Association (TRAIN) (1 seat)
Transport Canada (1 nonvoting seat)
Transportation Security Administration (TSA) (nonvoting advisory)
Transport Workers Union of America (TWU) (2 seats)
Transportation Communications International Union IBRC (TCIUIBRC) (3 seats)
United Transportation Union (UTU) (3 seats)
National Transportation Safety Board (NTSB) (nonvoting advisory)
Federal Transit Administration (FTA) (nonvoting advisory)
Railway Passenger Car Alliance (RPCA)